

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

October 5, 1967
10:00 A.M.

Council Chamber, City Hall

The meeting was called to order with Mayor Akin presiding.

Roll call:

Present: Mayor Akin, Councilmen Janes, LaRue, Long, Nichols
Absent: None

Present also: Robert M. Tinstman, City Manager; Doren R. Eskew, City Attorney; Robert A. Miles, Chief of Police

Mayor Akin welcomed all citizens present.

Invocation was delivered by REVEREND PRESTON BRINGT, Assistant Minister, First Baptist Church.

Councilman LaRue moved that the Minutes of Special Meetings of September 13th, 26th and 27th, 1967, be approved. The motion, seconded by Councilman Nichols, carried by the following vote:

Ayes: Councilmen Janes, LaRue, Long, Nichols, Mayor Akin
Noes: None

Councilman LaRue moved that the Minutes of Recessed Meeting on September 30 1967, be approved with a correction to include Councilman Long's remarks concerning the canvassing of the votes. The motion, seconded by Councilman Nichols, carried by the following vote:

Ayes: Councilmen Janes, LaRue, Long, Nichols, Mayor Akin
Noes: None

ITEMS OF SPECIAL RECOGNITION

MR. BOB LUSK appeared before the Council. He submitted a copy of a portion of Section 3 of Article VII of the City Charter, and a Personal Property Return Form. He read excerpts pertinent to what he had to say on assessment of property for tax purposes as follows: "All personal property shall be subject to taxation for such year; every person shall file a full and complete sworn inventory of such property, held, owned or controlled." He said the Charter did not say everybody may file an inventory for taxation, it said they shall and he took this to mean mandatory. He stated the City taxed cars, boats, and personal property of any type of business or profession but let go untaxed stocks and bonds. He asked that they tax all personal property and put new additional property on the tax rolls. Councilman LaRue stated he thought there were about 13 million dollars on the tax roll now on personal property and Mr. Lusk said there were millions and millions besides this that was not on the tax roll because the Council was not taxing them. Councilman LaRue said the City of Austin taxes all property that it has any knowledge of that it is required by law to do so.

MR. BOW WILLIAMS stated in view of the sales tax and other taxes going up if the Chamber of Commerce has offered to increase their rent. He said they paid \$1.00 a year for valuable property near the auditorium while \$12,000 was charged for 100' for the bait company. The Mayor stated they would check into this and see where it fits in the overall scheme of things. MR. KREUGER stated he thought the Chamber of Commerce performed a valuable service to the City of Austin and if they needed anything more to give it to them.

RESIGNATION FROM THE BOARD OF ADJUSTMENT

The Mayor read a letter from MR. TOM W. BRADFIELD as follows:

"September 22, 1967

"The Mayor and Members of the City Council
City of Austin
Municipal Building
Austin, Texas 78701

Dear Mayor Akin:

"Please accept my resignation from the Board of Adjustments.

"Let me say how appreciative I am of the Planning Department staff which constantly demonstrates its competence and unselfishness in the performance of its duties with the City. I believe that the Planning Department from top to bottom is one of the best of our City departments and although it often receives unjustified criticism, it is seldom praised for the splendid job it does in helping to plan the City of Austin's future.

"I have truly enjoyed my association with the other Board members during this period.

"Sincerely and cordially,
s/ Tom W. Bradfield
Tom W. Bradfield"

Councilman LaRue moved that the Council accept the resignation and offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the lives, the health, and the comfort of the people of Austin have been greatly enhanced, and will continue to be made more enjoyable in the years to come, through the spirit and purpose of zoning regulations appropriately safeguarded by citizens who serve as members of the Zoning Board of Adjustment; and,

WHEREAS, there is an unsung but vital role of the interested citizen who devotes his energies, his time, and his talents month in and month out, to the difficult and thankless task of hearing appeals in specific cases where, owing to special circumstances the literal enforcement of the zoning regulations could result in unnecessary hardship, but where substantial justice to the general public in preserving the advantages of a comprehensive plan for the wholesome use of land must also result; and,

WHEREAS, Tom W. Bradfield is one of those citizens who has rendered distinguished public service for his fellow citizens as a member of the Zoning Board of Adjustment since February 21, 1963, having served as chairman of that body most of that time before resigning on October 5, 1967; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That upon the occasion of his well-earned respite from public service as Chairman of the Zoning Board of Adjustment, the people of Austin, through their elected representatives, desire to publicly recognize and express their gratitude for the splendid public service of the said Tom W. Bradfield; that a page be especially set apart in the minutes of the City to permanently record this expression of gratefulness; and that a copy of this resolution be presented to the said Tom W. Bradfield.

The motion, seconded by Councilman Janes, carried by the following vote:
Ayes: Councilmen LaRue, Long, Nichols, Mayor Akin, Councilman Janes
Noes: None

M & C "ANNEXATION POLICY"

The Council had before it information and recommendation from the City Manager as to the establishment by the City Council of a new annexation policy for the City, as follows:

"October 3, 1967

"Honorable Mayor and
Members of the City Council
City of Austin
Austin, Texas

Annexation Policy

"Gentlemen and Mrs. Long:

"This is to submit for your consideration information and recommendation as to the establishment by the City Council of a new annexation policy for this municipality.

General Policy

"The following items are those which appear to be particularly significant in your consideration of the general community policies which are pertinent to municipal annexation:

"1. A fine community would obviously reflect cooperation and participation by all citizens. By working together and sharing responsibilities as well as opportunities, an urban society may be achieved that would not otherwise be possible should the community become fractionated or divisive.

"2. An annexation policy would normally be based upon the principle of equity. As an example, the typical residential property owner of Austin owns a home worth \$12,500 and pays approximately \$125 each year in property taxes to the municipality. Other less fortunate property owners occupy residences of approximately half that value and pay approximately \$63 each year as their share of the cost for supporting essential community services.

"Thus it would seem only reasonable that other property owners, particularly in newly developing areas, should also help pay for such services as police and fire protection, as well as for the use of such major public facilities as expressways and thoroughfares, parks, public exhibition facilities (i.e. the new Auditorium), the airport including the new terminal, the public hospital facility and fire stations. (This is apart from operating revenues and expenditures of such facilities.

"3. A desirable annexation policy would also encourage good community development including uniform (and thereby equitable) application of all codes such as building, fire, zoning and public health requirements; while at the same time also encouraging stable and desirable types of industrial growth.

"4. A municipal annexation policy would by necessity observe all applicable laws as set forth in the state statutes and the City Charter; and to every reasonable extent, reflect joint and cooperative considerations with other

existing municipalities. (It should be noted that the state statute passed in 1963 provides for an extra territorial area around Austin of five miles and the other municipalities have a similar extra territorial zone of one-half mile outside their corporate limits.)

"5. An annexation program normally reflects such factors as topography relating to drainage areas and natural features; plus the economical design and construction of public utility services. A "hopscotch" pattern of community development is normally considered undesirable and wasteful of both private as well as public funds and resources. Protection of future rights-of-way and drainage easements, and anticipation of such circumstances as now exist in the Boggy Creek area are illustrations of such considerations.

"Annexation of areas initiated or recommended by the Planning Commission to provide orderly community growth reflecting such criteria would also be normally included in municipal annexation considerations.

"6. An annexation program should be carried out in accordance with an established policy adopted by the City Council and widely promulgated to all citizens, property owners, developers, home builders, financial institutions, etc. and implemented on an orderly or phased basis. (It should be noted that the statute passed in 1963 limits annexations within any one year by municipalities the size of Austin to no more than 10% of the existing incorporated area.)

Fiscal Policy

"The effect of annexation upon the municipality's financial resources and thereby its ability to render community services is particularly pertinent to the Council's consideration of this matter.

"The following general factors are considered significant:

"1. The City government is a public corporation, and by its very nature is a "non-profit" organization. Funds received from taxes, utility charges, fees, etc. are returned to the citizens of the community in terms of services and facilities.

"2. Annexation of properties would result in additional property taxes which would necessarily be utilized in providing services to those areas. In addition, the additional tax revenues would be offset to some extent by a loss in utility revenues inasmuch as water and sewer rates are reduced upon annexation.

"3. It is a generally accepted premise by most authorities that on an overall basis, annexed areas eventually may be considered as "self-supporting" providing various types of areas - or properties - are included. (It is generally recognized that the typical residential area is not quite self-supporting, but that commercial and industrial properties are necessary to support community services.)

"Thus, it may generally be concluded that if a reasonable annexation program including various types of properties is established and carried out over a period of time, there will be no adverse fiscal effect upon the municipality or its taxpayers. Further, economical and efficient community development will be encouraged by adoption of a sound annexation policy.

Recommendations

"Reflecting the above, the following is recommended for your consideration and adoption:

"1. The City of Austin would continue the practice of annexing property upon request of the property owner, unless undue expense or obligation would be imposed upon other taxpayers.

"2. All land and facilities owned by the City on behalf of its taxpayers would be promptly annexed, particularly when those properties are within the extra territorial zone of five miles of existing city limits. This would allow all municipal laws and ordinances to be applicable for enforcement as necessary; it would protect the substantial taxpayer investment and would also guard against undesirable development in the immediate vicinity of such public owned properties.

"3. Public school facilities within one-half mile of the established city limits are proposed for annexation to provide fire fighting, police protection and traffic control to school children, teachers and patrons; to provide adequate access and utility services; and also to protect general public investment in such facilities.

"4. Those areas surrounded - or nearly so on approximately four sides - by existing incorporated areas. This would seem both reasonable and equitable inasmuch as such properties are already directly benefiting from the existence of the community.

"5. Those areas partially surrounded on three sides are proposed for annexation when a majority of the surrounding area within the corporate limits of the City is developed or being developed, and includes normal municipal services and facilities.

"6. Those areas contiguous to present city limits and previously developed are recommended for annexation providing municipal utilities and services may reasonably be furnished.

"7. To protect public investment and discourage undesirable development along the major approaches to our community, annexation along major expressways and arterial routes is proposed extending one mile from otherwise existing city limits to the extent of 500 feet of the right-of-way on either side of the federal and state routes and 200 feet on either side of the right-of-way on farm-to-market routes.

"8. Future New Development:

"a. Residential - New residential areas are proposed for annexation at the time of initial development just prior to being occupied by new residents in fairness to both those individuals and to other citizens within the corporate limits. This would also insure adequate and uniform application during construction of public health and safety codes. "Shantytown" development in proximity to Austin which can later become a community liability is obviously not desirable.

"It is also intended that such annexation of new residential areas would obviate needless and/or wasteful expenditures for septic tanks, etc.

"b. Commercial - New commercial developments are recommended for prompt annexation to insure adequate construction practices, and it appears obvious that such developments benefit directly to a considerable extent from the proximity of the community and its citizens as customers, etc.

"c. Industrial - New industrial development involving a minimum work force of _____ employees or a minimum initial capital investment of _____ dollars, and locating within the extra territorial zone would be annexed after three or not more than five years as determined by the City Council at the time of Council adoption of a new annexation policy. It should be noted that it is assumed desirable construction techniques would be used in such substantial building construction and reflecting municipal code requirements.

"Other industrial growth of less significance or size would be annexed in a manner similar to the commercial properties.

"It is also recommended that new industrial development would also be annexed in relation to the other criteria described above as part of the over-all annexation practices. (For example, should a new industry become routinely surrounded on four sides or on three sides with substantial urban development predominately existing in the immediate vicinity of the new industry, then such industry would be annexed; the period of years following initial construction not withstanding.)

"More industrial and business firms are willing to pay for and support good community services for their employees, and it is anticipated that adoption of a reasonable policy of this type would not be found to be an adverse factor in attracting and retaining new industrial development. It is pertinent to note that new industrial development frequently entails sizable public investment in terms of utility extensions, highways and streets., etc.

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"It is suggested that this proposed policy be included in the public hearing on Thursday, October 12th at which time a proposed resolution reflecting the above, related maps, and other material will be submitted to the members of the City Council and to the general public.

"Respectfully submitted,
s/ R. M. Tinstman
R. M. Tinstman
City Manager"

Councilman Nichols moved that the Council receive the M & C "Annexation Policy" and set it for public hearing on October 12, 1967 at 11:00 A.M. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen Long, Nichols, Mayor Akin, Councilmen Janes, LaRue
Noes: None

Mayor Akin brought up the following ordinance for its third reading:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN
BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXA-
TION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF

21.21 ACRES OF LAND OUT OF THE GEORGE W. DAVIS SURVEY IN TRAVIS COUNTY, TEXAS; WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN, IN PARTICULARS STATED IN THE ORDINANCE.

The ordinance was read the third time and Councilman LaRue moved that the ordinance be finally passed. The motion, seconded by Councilman Janes, carried by the following vote:

Ayes: Mayor Akin, Councilmen Janes, LaRue
Noes: Councilmen Nichols, Long

The Mayor announced that the ordinance had been finally passed.

NEW ITEMS

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, a certain easement was granted to the City of Austin for public utility purposes in, upon and across that certain portion of Lots 1 and 2, Block B, Northwestern Industrial Addition, said Northwestern Industrial Addition being a subdivision of a portion of the James P. Wallace Survey No. 18 in Travis County, Texas; and,

WHEREAS, the owner of the above described property has requested the City Council of the City of Austin to release the hereinafter described portion of said easement; and,

WHEREAS, the City Council has determined that the hereinafter described portion of said easement is not now needed and will not be required in the future; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Manager of the City of Austin be, and he is hereby authorized to execute a release of the following described portion of said public utility easement, to-wit:

Two (2) strips of land, each of the said two (2) strips of land being five (5.00) feet in width; the strip of land hereinafter described as Number One being out of and a part of Lot 1, Block B, Northwestern Industrial Addition, and the strip of land hereinafter described as Number Two being out of and a part of Lot 2, Block B, Northwestern Industrial Addition, said Northwestern Industrial Addition being a subdivision of a portion of the James P. Wallace Survey No. 18 in Travis County, Texas; the centerline of each of the said two (2) strips of land being more particularly described as follows:

NUMBER ONE, BEGINNING at the intersection of the easterly prolongation of the south line of said Lot 2, Block B, same being the north line of Lot 3, Block B, with a line two and one-half (2.50) feet east of and parallel to the most southerly west line of said Lot 1, Block B, same being the east line of said Lot 2, Block B;

THENCE, with said line two and one-half (2.50) feet east of and parallel to the most southerly west line of Lot 1, Block B, N 29° 46' E 161.22 feet to point of termination.

NUMBER TWO, BEGINNING at the intersection of the south line of said Lot 2, Block B, same being the north line of Lot 3, Block B, with a line two and one-half (2.50) feet west of and parallel to the east line of said Lot 2, Block B, same being the most southerly west line of Lot 1, Block B;

THENCE, with said line two and one-half (2.50) feet west of and parallel to the east line of Lot 2, Block B, N 29° 46' E 161.22 feet to point of termination.

The motion, seconded by Councilman LaRue, carried by the following vote:
Ayes: Mayor Akin, Councilmen Janes, LaRue, Long, Nichols
Noes: None

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, a certain easement was granted to the City of Austin for public utility purposes in, upon and across that certain portion of Lot 4, Block H, Northwest Hills, Mesa Oaks, Phase One, a subdivision of portions of the T. J. Chambers Grant and the George W. Davis Survey in the City of Austin, Travis County, Texas, according to a map or plat of said Northwest Hills, Mesa Oaks, Phase One, of record in Book 20 at Page 9 of the Plat Records of Travis County, Texas; and,

WHEREAS, the owner of the above described property has requested the City Council of the City of Austin to release the hereinafter described portion of said easement; and,

WHEREAS, the City Council has determined that the hereinafter described portion of said easement is not now needed and will not be required in the future; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Manager of the City of Austin be, and he is hereby authorized to execute a release of the following described portion of said public utility easement, to-wit:

A strip of land five (5.00) feet in width, same being out of and a part of Lot 4, Block H, Northwest Hills, Mesa Oaks, Phase One, a subdivision of portions of the T. J. Chambers Grant and the George W. Davis Survey in the City of Austin, Travis County, Texas, according to a map or plat of said

Northwest Hills, Mesa Oaks, Phase One, of record in Book 20 at Page 9 of the Plat Records of Travis County, Texas; the centerline of said strip of land five (5.00) feet in width being more particularly described as follows:

BEGINNING at the intersection of a line two and one-half (2.50) feet north of and parallel to the south or southwest line of said Lot 4, Block H, Northwest Hills, Mesa Oaks, Phase One, and the curving west line of Waterline Road;

THENCE, with the said line two and one-half (2.50) feet north of and parallel to the south or southwest line of Lot 4, Block H, N 53° 33' W 114.00 feet, more or less, to point of termination in the east line of an existing public utilities easement.

The motion, seconded by Councilman LaRue, carried by the following vote:
Ayes: Mayor Akin, Councilmen Janes, LaRue, Long, Nichols
Noes: None

Councilman Nichols offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, after an engineering and traffic investigation, the City Council has found that the circumstances are such that the maximum, reasonable and safe speed for the operation of vehicles at the following location is fifty (50) miles per hour, and that such should be established as the speed limit at the following location:

<u>ON STREET</u>	<u>FROM</u>	<u>TO</u>
North Lamar Boulevard	West Powell Lane	Peyton Gin Road;

Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Clerk be authorized and instructed to record this finding in Section 33.39 of the Traffic Register.

The motion, seconded by Councilman Long, carried by the following vote:
Ayes: Councilmen Janes, LaRue, Long, Nichols, Mayor Akin
Noes: None

Mayor Akin introduced the following ordinance:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF 0.45 OF ONE ACRE OF LAND OUT OF THE SANTIAGO DEL VALLE GRANT, 18.40 ACRES OF LAND OUT OF THE J. C. TANNEHILL LEAGUE, 11.98 ACRES OF LAND OUT OF THE JAMES P. WALLACE SURVEY NUMBER 57, ALL IN TRAVIS COUNTY, TEXAS; WHICH

SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN, IN PARTICULARS STATED IN THE ORDINANCE. (Portion of proposed Tract A of Polvado Subdivision and Lots 3 and 4 of Polvado Subdivision No. 2; Springdale Hills; and unplatted land.) (all requested)

Councilman LaRue moved that the ordinance be published in accordance with Article 1, Section 6 of the Charter of the City of Austin and set for public hearing on October 19, 1967 at 10:30 A.M. The motion, seconded by Councilman Nichols, carried by the following vote:

Ayes: Councilmen LaRue, Long, Nichols, Mayor Akin, Councilman Janes
Noes: None

Councilman LaRue moved that the Board of Equalization be reconvened to hear appeals of newly annexed School District properties. The motion, seconded by Councilman Nichols, carried by the following vote:

Ayes: Councilmen Long, Nichols, Mayor Akin, Councilmen Janes, LaRue
Noes: None

Councilman Long moved that the Council set a public hearing at 10:30 A.M., October 19, 1967 on an amendment to the Code requiring all junk and wrecking yards to have 8' masonry or board fences. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilman Nichols, Mayor Akin, Councilmen Janes, LaRue, Long
Noes: None

Councilman LaRue moved that the Council set the following tax appeals for public hearing for October 19th at 2:30 P.M.:

Gage Western Investments Inc., By John B. Selman
J. J. Newberry Co., By John H. Layman
Crest Hotel, By Richard Baker
Walter Wukasch
McFall Kerbey Sr. and Louise Skelley, by Lee G. Williams
Wesley Pearson

The motion, seconded by Councilman Nichols, carried by the following vote:
Ayes: Mayor Akin, Councilmen Janes, LaRue, Long, Nichols
Noes: None

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The City Manager passed out a pamphlet prepared by the League of Women Voters of Austin pertaining to zoning.

PUBLIC IMPROVEMENT

The City Manager submitted the following:

"September 27, 1967

"Memorandum To: Mr. R. M. Tinstman, City Manager
 Memorandum From: Victor R. Schmidt, Jr., Director of Water and Sewer Department

"Sealed bids for GEORGE B. HATLEY DRIVE AND RILEY ROAD WATER MAINS were received until 11:00 A.M., Wednesday, September 27, 1967, at the Office of the Director of the Water and Sewer Department for the INSTALLATION OF 285 feet OF 6-INCH CAST IRON WATER MAIN IN RILEY ROAD AND 2,490 FEET OF 6-INCH ASBESTOS CEMENT WATER MAIN IN GEORGE B. HATLEY DRIVE. The purpose of this installation is to provide supplementary water service to the Incorporated City of Rollingwood. The City of Rollingwood will pay for the installation inside Rollingwood City Limits and the City of Austin will pay for the installation inside its City Limits. These two mains were combined into one bid in order to receive better prices from the bidding contractors. The bids were publicly opened and read in the Council Chamber, Municipal Building, Austin, Texas.

"The following is a tabulation of bids received:

"FIRM	PROPOSAL A INSIDE AUSTIN	PROPOSAL B.1 INSIDE ROLLINGWOOD	TOTAL	WORKING DAYS
Austin Engineering Co.	\$3,125.30	\$17,110.20	\$20,235.50	50
Walter Schmidt Construction Co.	4,510.50	22,256.50	26,767.00	80
Bland Construction Co.	3,954.00	23,078.00	27,032.00	70
City of Austin (Estimate)	2,801.50	16,164.50	18,966.00	60

"It is recommended that the contract be awarded to the Austin Engineering Company on their low bid of \$20,235.50 with 50 working days.

"Yours truly,
 s/ Victor R. Schmidt, Jr.
 Victor R. Schmidt, Jr.
 Director Water and Sewer Department"

Councilman Nichols offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on September 27, 1967, for the installation of 285 feet of 6-inch cast iron water main in Riley Road and 2,490 feet of 6-inch asbestos cement water main in George B. Hatley Drive; and,

WHEREAS, the bid of Austin Engineering Co., in the sum of \$20,235.50, was the lowest and best bid therefor and the acceptance of such bid has been recommended by the Director of Water and Sewer Department of the City of Austin and by the City Manager; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the bid of Austin Engineering Co., in the sum of \$20,235.50 be and the same is hereby accepted, and that R. M. Tinstman, City Manager of the City of Austin, be and he is hereby authorized to execute a contract on behalf of the City, with Austin Engineering Co.

The motion, seconded by Councilman LaRue, carried by the following vote:
 Ayes: Councilmen Janes, LaRue, Long, Nichols, Mayor Akin
 Noes: None

ZONING HEARINGS - 10:30 A.M.

Pursuant to published notice thereof, the Council publicly heard the following zoning applications:

W. R. WALKER, ET AL	200-210 Park Lane	From "A" Residence 2nd
	201-205 and 209-211	Height & Area
	The Circle	To "BB" Residence 2nd
	1400-1404 Drake Avenue	Height & Area
	Additional Area:	RECOMMENDED by the
	207 The Circle	Planning Commission
	1406-1410 Drake Avenue	
	212-214 Park Lane	

Councilman Nichols moved that the change to "BB" Residence 2nd Height and Area be granted. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Long, Nichols, Mayor Akin, Councilman Janes
 Noes: None

The Mayor announced that the change had been granted to "BB" Residence 2nd Height and Area and the City Attorney was instructed to draw the necessary ordinance to cover.

JOHNNY TOLL, SR.	4230-4236 Alice Avenue	From "A" Residence
	4229-4235 Burnet Road	To "O" Office
		RECOMMENDED by the
		Planning Commission

Mr. Glenn Cortez, Assistant City Attorney, stated there was an offer of 5' of right of way. Councilman Nichols moved that the Council uphold the recommendation of the Planning Commission and grant "O" Office subject to dedication of 5' of right of way. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen Long, Nichols, Mayor Akin, Councilmen Janes, LaRue
 Noes: None

The Mayor announced that the change had been granted to "O" Office subject to dedication of 5' of right of way, and the City Attorney was instructed to draw the necessary ordinance to cover.

MILDRED WICKS & 2515-2603 Longview Street From "B" Residence
 KATE WITHERS TRUST 2601-2633 Lamar Boulevard 2nd & 5th Height &
 By Richard Baker Area
 To "O" Office 2nd & 5th
 Height & Area
 RECOMMENDED by the
 Planning Commission

Councilman Nichols moved that the Council uphold the recommendation of the Planning Commission and grant "O" Office 2nd and 5th Height and Area. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilman Nichols, Mayor Akin, Councilmen Janes, LaRue, Long
 Noes: None

The Mayor announced that the change had been granted to "O" Office 2nd and 5th Height and Area and the City Attorney was instructed to draw the necessary ordinance to cover.

Later in the meeting Mr. Baker called to the attention of the Council that this application included a portion of the alley which had not been vacated yet but the request to vacate the alley will be coming before the Council soon.

J. D. ABEL & B. H. 300 West 38th Street From "A" Residence 1st
 AMSTEAD Height & Area
 To "B" Residence 2nd
 Height & Area
 RECOMMENDED by the
 Planning Commission

It was stated there was an offer of 15' of right of way. Councilman Nichols moved that the Council uphold the recommendation of the Planning Commission subject to the 15' of right of way. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Mayor Akin, Councilmen Janes, LaRue, Long, Nichols
 Noes: None

The Mayor announced that the change had been granted to "B" Residence 2nd Height and Area subject to the 15' of right of way and the City Attorney was instructed to draw the necessary ordinance to cover.

WILLIE & RUTH 104 West 38 1/2 Street From "A" Residence 1st
 RENCK, By Eugenia Height & Area
 Phelan To "B" Residence 2nd
 Height & Area
 RECOMMENDED by the
 Planning Commission

Mr. Ed Stevens, Chief of Plan Administration, stated this was a small lot and should be resubdivided to tie in with the property fronting on Speedway, and

DAVID BARROW, JR.	1800-1810 Woodward Drive 3400-3438 Parker Lane (Proposed)	From Interim "A" Residence 1st Height and Area To "B" Residence 1st Height & Area RECOMMENDED by the Planning Commission
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Councilman Long moved that the change to "B" Residence 1st Height and Area be granted. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilman Nichols, Mayor Akin, Councilmen Janes, LaRue, Long
Noes: None

The Mayor announced that the change had been granted to "B" Residence 1st Height and Area and the City Attorney was instructed to draw the necessary ordinance to cover.

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ROBERT P. DUNNAM	806 San Antonio Street 501-515 West 9th Street	From "C" Commercial 2nd Height & Area To "C" Commercial 3rd Height & Area RECOMMENDED by the Planning Commission
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Councilman Long moved that the change to "C" Commercial 3rd Height and Area be granted. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Mayor Akin, Councilmen Janes, LaRue, Long, Nichols
Noes: None

The Mayor announced that the change had been granted to "C" Commercial 3rd Height and Area and the City Attorney was instructed to draw the necessary ordinance to cover.

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LAKESHORE COLONY By Frank Montgomery	2101-2221 Elmont Drive	From "GR" General Retail 1st Height & Area To "B" Residence 2nd Height & Area NOT Recommended by the Planning Commission RECOMMENDED "B" Residence 1st Height & Area
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Councilman Long said the change from "GR" General Retail back to "B" Residence 2nd Height and Area was so great she felt he should be granted the change. Mr. Frank Montgomery represented the applicants. He said they had about 16 lots for about 600 apartments and under "B" Residence 2nd Height and

and Area about 1300 would be permitted. Councilman LaRue stated he would go along with the restrictive covenant. Mr. Montgomery said the restrictive covenant was satisfactory with him and he had a copy of the covenant and it would be placed on the plat. Councilman Nichols moved that "B" Residence 2nd Height and Area be granted with the restrictive covenant. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Mayor Akin, Councilmen Janes, LaRue, Long, Nichols
 Noes: None

The Mayor announced that the change had been granted to "B" Residence 2nd Height and Area with the restrictive covenant and the City Attorney was instructed draw the necessary ordinance to cover.

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RICHARD R. HOOPER By John B. Selman	6201-6203 Berkman Drive 1700-1708 Wheless Lane	From "A" Residence To "B" Residence (as amended) RECOMMENDED by the Planning Commission
WINNIE SMITH By John B. Selman	1708-1710 Wheless Lane	From "A" Residence To "B" Residence RECOMMENDED by the Planning Commission

Mr. John Selman represented the applicants. He said Mr. Hooper had a contract to buy both pieces of property and wanted to build an apartment complex. He said it would serve as a buffer zone between the residential and the school and commercial zone. He stated the area had changed because of Reagan High School, Nelson Field and a shopping center and he felt a precedent had been set by zoning property north of this as apartment zoning. He stated Berkman was one of the largest collector streets in Austin and this property was not suited for residences. He said there would not be any head-in parking, all the parking would be inside and the traffic would go out on Berkman and on Wheless Lane. He also stated they would screen the property. Councilman Long said this looked like a spot zone. Mr. Frank Hamilton, 6302 Hickman Drive, opposed the zoning, stating he agreed it was a spot zone. He discussed the increase in traffic and filed a petition with 37 signatures opposing the change. Brief discussion of sewer easements was held. Mr. Paul Hornberger, an adjacent property owner, said he was also the owner of 1710-1712 Wheless Lane and he was against his property being changed. Mr. H. A. Houser stated he was owner of 6203 Berkman Drive and he did not want it changed. Councilman Nichol moved that the Council uphold the recommendation of the Planning Commission and grant the change to "B" Residence. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen Janes, LaRue, Nichols, Mayor Akin
 Noes: Councilman Long

The Mayor announced that the change had been granted to "B" Residence and the City Attorney was instructed to draw the necessary ordinance to cover.

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October 5, 1967

FRANK J. MARCHAK
By John E. Coates

3704 Gooms Street
3705 Griffith Street

From "A" Residence 1st
Height & Area
To "B" Residence 2nd
Height & Area
NOT Recommended
RECOMMENDED "B" Resi-
dence 1st Height & Area
by the Planning Commis-
sion

Mr. John E. Coates represented the applicant and stated they would accept the recommendation of the Planning Commission. Councilman Long moved that the change to "B" Residence 1st Height and Area be granted as recommended. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Long, Nichols, Mayor Akin, Councilman Janes
Noes: None

The Mayor announced that the change had been granted to "B" Residence 1st Height and Area and the City Attorney was instructed to draw the necessary ordinance to cover.

BETTIE SMITH

901-903 West 24th Street
Additional Area
813-815 West 24th Street

From "B" Residence
To "C" Commercial
RECOMMENDED subject
property
NOT Recommended
additional property
by the Planning Commis-
sion

Mrs. Bettie Smith appeared in her own behalf and on behalf of her mother, owner of 1/2 of the property. They were not interested in the additional area. DR. R. L. MOORE, 904 West 23rd Street, Professor of Mathematic Department, University of Texas, opposed the change of zoning. He said his property fronted on 23rd Street and ran through to 24th Street, but it was all one lot. He called attention that there was no alley, he said the whole area was not going commercial as there were many residences, that he was the owner of the additional area in the application and he did not want any part of his property changed to commercial. Mrs. Smith said they had agreed to the 5' of right of way and had written a letter to that effect. Councilman LaRue moved that the Council grant "C" Commercial for the subject property and deny the additional area. The motion, seconded by Councilman Janes, carried by the following vote:

Ayes: Councilmen Long, Nichols, Mayor Akin, Councilmen Janes, LaRue
Noes: None

The Mayor announced that the change had been granted to "C" Commercial for 901-903 West 24th Street and the City Attorney was instructed to draw the necessary ordinance to cover.

The Mayor announced that the change for 813-815 West 24th Street had been denied.

October 5, 1967

CITY OF AUSTIN, TEXAS

DR. S. J. CLARK
ESTATE, By Thomas M.
Lemon

5000 Woodrow Avenue
Additional Area
4918 Woodrow Avenue

From "A" Residence
To "B" Residence
NOT Recommended by the
Planning Commission

It was stated there was a right of way question on this property. Councilman Janes asked if all their requirements had been met and Judy Glass stated they had been. He asked if this were suitable to the Planning Department and the Legal Department and it was indicated it was. Councilman Nichols moved that "B" Residence 1st Height and Area be granted. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilman Nichols, Mayor Akin, Councilmen Janes, LaRue, Long
Noes: None

The Mayor announced that the change had been granted to "B" Residence 1st Height and Area and the City Attorney was instructed to draw the necessary ordinance to cover.

ROY BUTLER

617-619 Henderson Street

From "B" Residence 2nd
Height & Area
To "C" Commercial 2nd
Height & Area
RECOMMENDED by the
Planning Commission

Councilman Nichols moved that the change to "C" Commercial 2nd Height and Area be granted. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Mayor Akin, Councilmen Janes, LaRue, Long, Nichols
Noes: None

The Mayor announced that the change had been granted to "C" Commercial 2nd Height and Area and the City Attorney was instructed to draw the necessary ordinance to cover.

WESTGATE SQUARE
By John B. Selman

47k8-5008 West Gate Blvd.
4800-4906, 4801-4909 and
5001-5009 West Wind Trail
2200-2202 Jones Road

From "A" Residence
To "BB" Residence (as
amended)
RECOMMENDED by the
Planning Commission as
amended

MRS. M. C. ATKINS, speaking for herself and not for Sunset Valley, not opposing the zoning change but to discuss the problems in the area. She discussed the traffic, traffic signs being removed, the parking, the School District busses, the holes in the streets and the widening of Manchaca Road. Mr. Selman, representing the applicants, stated they felt this would be a buffer zone and there was a tremendous demand for multiple units, and in "BB" Residence there could be three or four plexes on each of these lots. Councilman Janes moved

to uphold the recommendation of the Planning Commission and grant "BB" Residence. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Mayor Akin, Councilmen Janes, LaRue, Long
 Noes: None
 Present but not voting: Councilman Nichols

The Mayor announced that the change had been granted to "BB" Residence and the City Attorney was instructed to draw the necessary ordinance to cover.

ERNEST ELAM &
 GERALD SENTER
 By Richard Baker

1007-1017 East 50th St.
 4909-4913 Harmon Avenue

From "O" Office 1st and
 5th Height & Area
 To "C" Commercial 2nd
 Height & Area
 NOT Recommended by the
 Planning Commission
 RECOMMENDED "C" Com-
 mercial 1st Height &
 Area for 1009-1015 East
 50th Street and the rear
 120' of 4909-4913
 Harmon Avenue

Mr. Richard Baker represented the applicants, stating the recommendation of the Planning Commission was satisfactory to them. He said the property necessary to widen East 50th Street by 5' would be dedicated and a letter had been filed with the department agreeing to dedicate the right of way. The City Attorney stated an avigation easement would be needed. Mr. Baker said this should be no problem. Councilman Long stated she thought it was ridiculous making it 1st Height and Area instead of 2nd Height and Area. Councilman Nichols moved that "C" Commercial 1st Height and Area be granted with all the restrictions and easements required. The motion, seconded by Councilman Janes, carried by the following vote:

Ayes: Councilmen Janes, LaRue, Long, Nichols, Mayor Akin
 Noes: None

The Mayor announced that the change had been granted to "C" Commercial 1st Height and Area for 1009-1015 East 50th Street and the rear 120' of 4909-4913 Harmon Avenue and the City Attorney was instructed to draw the necessary ordinance to cover.

KENNETH E. SPIELMAN
 & SIBYL S. SPIELMAN

5113-5115 Lancaster Court
 1301-1303 East 52nd
 Street

From "BB" Residence
 1st Height & Area
 To "B" Residence 2nd
 Height & Area
 NOT Recommended by the
 Planning Commission

Councilman LaRue moved that the Council sustain the Planning Commission and the motion was seconded by Councilman Nichols. Councilman Long said she did not see any reason why it could not be "B" Residence 1st Height and Area.

It was stated under "BB" Residence 1st Height and Area they could have 6 units and under "B" Residence 2nd Height and Area they could have 10 units. Councilman Long said this was an apartment area and by limiting the units in apartment areas they would just be pushing them into areas where you have "A" Residential. Discussion was held as to zoning listed on the map. They asked for more information on the surrounding zoning. Councilman Nichols withdrew his second to the motion. Councilman LaRue let his motion stand. The motion died for lack of a second.

Later in the afternoon meeting and after explanation, Councilman LaRue moved that the Council uphold the recommendation of the Planning Commission and deny the change. The motion, seconded by Councilman Nichols, carried by the following vote:

Ayes: Councilman Nichols, Mayor Akin, Councilmen Janes, LaRue, Long
Noes: None

The Mayor announced that the change had been DENIED.

EASTIN NELSON	4701-4709 Caswell Avenue	From "A" Residence
	800-806 East 47th Street	To "BB" Residence
		NOT Recommended by the Planning Commission

Councilman Nichols moved that the Council accept Mr. Nelson's request to withdraw the application. The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen LaRue, Long, Nichols, Mayor Akin, Councilman Janes
Noes: None

The Mayor announced that the application had been WITHDRAWN.

At this point MAYOR AKIN recognized and welcomed a group of nine law and government students from the UNIVERSITY OF MADRID, SPAIN. MR. HENRY Y. McCOWN, representative of the State Department and Third Secretary of the American Embassy of Madrid and also Vice Consul, introduced the students.

CITY OF AUSTIN	1623-1631 Wilshire Blvd.	From "A" Residence
	4100-4224 Airport Blvd.	To "GR" General Retail
	1734-1748 Schieffer Ave.	or a more restric- tive zoning district
		RECOMMENDED "BB" Resi- dence District by the Planning Commission

Mr. Glenn Cortez, Assistant City Attorney, represented the City of Austin.

He stated pursuant to instructions of the Minutes of August 10, 1967, that the application had been submitted to the Planning Commission to determine its proper zoning. He pointed out the property on a large map, stating Airport Boulevard has 150' of right of way and Schieffer on the south has 30' of right of way. He said at the time this was presented to the Council for the purpose of determining whether the zoning application should be made there was also presented a proposal for the widening of Brookview Road to a width of 60' of dedicated right of way from a 30' road, and with the deletion of this property to be dedicated for this road, there would be an area of 7 1/2 acres remaining. He pointed out the property was acquired as a part of a 100 acre tract from the Patterson family in 1941, the primary purpose at that time was for the Airport and related uses. He said thereafter in 1952, at the request of the property owners in the area 10 acres of the property was dedicated for park purposes, which is Patterson Park and later 2 acres was sold for church purposes. The resolution by which the park is dedicated recognized the need of the area for a park. He stated at that time the area was rapidly developing and they considered its peak development was about 1952. The application was made for "GR" General Retail or less intensive uses, so it was a broad application made for the purpose of determining what the proper use of the area was. He pointed out the intersection where there is "C" Commercial zoning, and also pointed out the Fire Station and the Airport. He said the City has two long term leases on the Airport, almost directly across from this property, one with Browning and one with Ragsdale Aviation, which have established terminals, hangars and maintenance operations. Councilman Long inquired if this would be considered an industrial type of development. Mr. Cortez stated he would consider it semi-industrial. He discussed the flights at these two terminals, and the traffic in the area. He stated for all of these reasons they felt that the present zoning of "A" Residence was not the proper use of this property and there should be some study for a more intensive use, that maybe "B" Residence would be adequate, that even "O" Office would not be unrealistic in view of the fact that the neighbors do have a buffer between them and this property. Councilman Long stated since the Planning Commission merely recommended "BB" Residence the Council had no alternative but to go from "B" Residence down. Mr. Cortez explained the application was for "GR" General Retail and the Council could consider any zoning up to that.

MR. KENT RIDER, 1606 Wilshire Boulevard opposed the change. He submitted a petition with 182 signatures opposing the change. He said there were 30 or 40 persons present and they asked the Council to do something with the property other than rezone it or sell it. He read 7 things in opposition to the change of zoning - congestion on Airport Boulevard; sale of beer adjacent to the playground would make sending of children to the playground an undersirable fact; apartments will create more traffic and the streets are not wide enough; a better use is available as there is a need for more green space and this would make good park space for travelers; business in this area has history of lack of success; there would be more traffic and there are no sidewalks and the children have to walk in the streets; any building of the type contemplated would detract from the beauty and the utility of the park which is already there. He read a resolution from the Maplewood P.T.A. opposing the change and asking that the Parks and Recreation Department be permitted to develop it as they see fit. Mr. Rider asked that this property be made into a park. He discussed the amount of taxes the City would receive if the property were sold and 208 apartments were built. He said he had talked for the sales tax and he was not opposed to the 8¢ increase in ad valorem taxes. He asked the Council not to sell the property.

MR. HOWARD MOORE, 4331 Airport Boulevard, read a resolution from the Board of Directors of the Delwood Optimist Club on behalf of its 87 members and other

citizens, recommending to the Council that the zoning of this land not be changed and that the Council dedicate this land as park land as an addition to Patterson Playground and also stating that the City does not need the profits that may result from the rezoning and sale of this land. Councilman Nichols asked Mr. Moore if the Optimist Club would take it upon themselves to beautify this as a park. He said they had put their efforts on Bartholomew Park and he reviewed their activities with the ball teams and their needs. Councilman Nichols asked again if the Delwood Optimist Club would be willing to head up a neighborhood project to beautify this 7 1/2 or 8 acres. Mr. Moore said he rather doubted at this time whether they could make any substantial contribution in that light and he could not bind his club to do that but he felt they could be counted on to assist and participate with other interested citizens to beautify this park as needed. Councilman Janes said Mr. Moore suggested the City did not need the money but this was a mistake as the City did need the money.

EDWIN T. SALVANT, JR., Pastor of Wilshire Presbyterian Church, opposed the change. He said the church represented some 370 members, some not necessarily in the area in which is being talked about but concerned about this area. He read a letter signed by himself as Moderator, Session of Wilshire Presbyterian Church, opposing the change of zoning and urging that the property be dedicated as park area for future development.

MR. LESLIE GAGE, 1711 Schieffer, opposed the change. He said that he recognized that the City needed money and reviewed the 8¢ raise in taxes and the sales tax. He stated there was a lot of City property that was not usable and should be sold but this was not one of them. He said he did not think that the City should sell any park or any property adjacent to a park that could be included as a portion of the park. Councilman Janes stated the property was not park property. Mr. Gage felt this area would eventually be in the center of downtown. Councilman Long asked him if he appeared when they sold the Hancock tract to protest that, to save that green area. He stated this move would be detrimental to his children and the children that live in this area, the traffic would be increased, that there was not enough playground space now and if apartments were built the apartments in effect would have a private park and the children there now would not have a chance. He asked if they do sell that they consider the congested area and make some provision for curb cutting on Airport Boulevard for off-street parking and Brookview Avenue not be used for parking.

REVEREND MURRAY JOHNSON, Pastor of Asbury Methodist Church, 3804 Cherrywood Road, stated they had built an Education Building on the basis of a prediction of the population growth by the school census and otherwise. He said their attendance had increased and he did not think the number of children in the area was decreasing. Population in the area was discussed. He stated even though the property had not been dedicated as a park it had been used as a park. He recognized the need of the City for more money.

MR. HAROLD KENNEDY, 1610 Wilshire Boulevard, opposed the change of zoning. He said the park was not used just by the people in the area but by people from all over the city. He asked them not to sell the property.

MR. HOWARD GARBER, 4311 Airport Boulevard, spoke for the rezoning and selling of the property. He said he and his neighbors were in favor, but they did not go around and pass a petition. He said they favored it because of the traffic, the Airport across the street, they liked the park that was there now

but felt the city should sell the other property and the money should be put into a fund to be used by the city. He said they had all owned their property for a long time and the most of their children had all grown up. He said this property was not good for residences. He filed a petition with 5 signatures favoring the rezoning.

MR. R. C. SHELTON, Principal of Maplewood School, stated there was a question of whether this area is growing or decreasing and he wanted to say that the school census was up this year and they had enrolled 6 more children this year than last year making a total of 394 for this year.

MR. BOB LUSK, 1415 Fairwood, spoke in opposition and stated the number of children in the area had not declined. He said the Chamber of Commerce in going out to get industry to come to Austin, points out the economic climate of Austin. He stated Austin has one of the finest Parks and Recreation programs in the nation and one of the finest cities and he would like to see the city do everything possible to develop continually the parks and park facilities. He said he was a member of the North Austin Civitan Club and he might persuade them to beautify this area. He stated if this property were developed with apartments it would increase the traffic congestion.

MR. ROGER OSBORN, 4010 Vineland, opposed the sale and said they had a proposition that if the property could not be used for park purposes totally that it could be used equally well for a public library. He said the children were in school at the time of this hearing and could not come down. He stated if apartments were built on this land the children in the apartments would take over the park and the children that live there now would be left out. He said the park was used by many people that do not live in the area, such as university students. He stated that the history of residences surrounding large apartment complexes has been loss in property value and he discussed this loss in value and the taxes.

MRS. LESLIE GAGE said she would be glad to volunteer, if the city would keep the property mowed, to serve as coordinator with the many groups in the area.

MRS. CHARLES BURTON, MRS. JOHN MORRIS, MRS. KENT RIDER and DON LANKFORD all spoke in opposition.

MR. R. M. TINSTMAN, City Manager, stated that the Parks and Recreation Board had previously acted recommending that the property not be zoned. He said that he hoped that all of those present would realize or differentiate between the current operating funds of the city government in reference to the sales tax or the increase in property taxes as contrasted with property or capital outlay expenditures or right of way expenditures, there being a difference between funds necessary to operate the city on a year to year basis as opposed to those funds necessary for right of way acquisition.

Discussion was held on what would be permitted under "BB" Residence and if the "BB" Residence zoning as recommended would permit this property to be put to its highest and best uses. Councilman Nichols stated if the property were zoned "BB" Residence it would not bring enough money to warrant the sale of the property for residential purposes. Councilman Long stated she was not in favor of zoning it "BB" Residence and if the City were not going to zone it for its highest and best use, she would be in favor of retaining it as a park, as it

would be a shame to sell it off for a portion of what it is worth by zoning it "BB" Residence and she would not consider that. She said when the park was built it was built as a small neighborhood park and the thinking of the Council as far back as when the park was built was to leave this as a small park and the area on Airport Boulevard be sold off as commercial.

Discussion of the decline in the number of children in the Maplewood area and the need for a larger park than Patterson Park was held. The people opposing the change said there was no decline of population in the area.

Mayor Akin called on the Planning Department for their viewpoint on long range planning of park areas, the cost, etc. He said they were talking about a tract of land valued at about \$50,000 per acre and if the City sees fit and can afford to set aside land of this kind and if it suits the ultimate purpose, he thought the Council should be mindful of this important use. He asked what had been the thinking of the Planning Commission as regards this particular tract. MR. DICK LILLIE, Assistant Planning Director, said the Planning Commission at the time of the meeting was not charged with the sale of the property but rather with the proper zoning and their recommendation was just for the proper zoning and not the sale of the land. He said according to the Charter it would come back before the Commission for the issue of the sale of property that belongs to the City and the Planning Commission will then act on a recommendation concerning the sale. Councilman Long asked if zoning were not paramount to selling, if they were not going to recommend the sale of it why would they recommend the change to "BB" Residence because if it were park property you would not sell it and you would not need it zoned "BB" Residence either. Mr. Lillie stated that the park as it now stands is standard according to the Master Plan.

MR. TINSTMAN said the report from the Parks and Recreation Department indicated the Parks Board recommended that the property not be rezoned and that the 10 acre park that is now dedicated should meet the neighborhood requirements for parks and recreation activities.

COUNCILMAN LaRUE in reply to Mrs. Burton's question as to what was behind the sale of this property, stated it was need for money to purchase right of way and operate the City. He said there is other property they were going to look at in an attempt to get enough money to continue to buy the capital improvements the city must have. He said that this year was the first year that they had wound up with the smallest contingency fee for the purchase of additional right of way and other land that the city is going to have to acquire in the next year. He said the \$25,000 in the fund would not begin to be enough money. He said they had five urban renewal areas in the city plus the Missouri Pacific Boulevard and many of those people are in distress, their land and their property has been placed in such a position that they can not improve it or sell it and they probably will ask the city to go ahead and acquire their property and the City has an obligation to these people to see if there is any possibility of acquiring this property and when there is a distress sale the City could take advantage of it. He said also this would save the city money.

COUNCILMAN LONG pointed out that the Council had ordered a round-up of excess properties that the city has and get them on the tax rolls, get them used and they want to get money for them. She said as far as she knew of no one that was interested in the property at this time, and they were going to put it up for competitive bids and sell it in that manner, that this was one of many pieces of

property, and if they were going to sell it, it would have to be zoned so that they could get the best price for it and certainly as "A" Residential they could not get it, and she would not sell if it were only zoned "BB" Residence because if they could not get a lot of money for it she would rather see it stay a park or a park area and a green strip all the way through to the Airport where they do have open space.

MR. CORTEZ reviewed again the application and asked that a more intensive development a a more intensive zoning such as "B" Residence, or possibly "O" Office would be suitable and desirable for this property in view of all the circumstances.

COUNCILMAN LONG stated that she would like for the Council to go out and take a look at this property and see how many people are using it, and see if it could continue to be used for a park or if they should sell it and she thought to make a decision this morning would be a little premature and she asked the Council to wait and for them to go look at it.

COUNCILMAN JANES asked for a recommendation from the Parks and Recreation Department as to whether or not they needed the property for additional park area out there, as apparently they ought to know the alternative prospective park use. He conceded that they certainly do need and would like to have all the parks they could in the City of Austin, and all the acres that they could in parks but there just is some place that they have to draw the line and just could not have all that they would like.

COUNCILMEN NICHOLS and LaRUE stated they would go along with Councilman Long and go out and look at the property.

MAYOR AKIN agreed and stated the Council would take this under advisement.

The Council recessed until 2:30 P.M.

RECESSED MEETING

2:30 P.M.

At 2:30 P.M. the Council resumed its business.

The Mayor opened the hearing on an ordinance establishing a HUMAN RELATIONS COMMISSION and related matters. He said there had been numerous hearings on this general subject but it has been the feeling of the members of the Council that some specific direction of an ordinance is in order at this time. He said a proposed ordinance had been drawn which would emphasize and enunciate the principal that this commission would impose the principal responsibility upon the city government in the person of the City Council, and their discussion would revolve around the contents of that ordinance. Copies of the ordinance were passed out. The Mayor said he and Dr. Barclay had discussed this, Dr. Barclay had been serving for better than a year as Chairman of the Austin Equal Citizenship Corporation, a corporation set up by a previous Council to exert their energies in the direction of, as the name implies, equal citizenship, equal

opportunity. He said the changes they were going to consider was to place the responsibility where it belongs and that was on the shoulders of the City Council itself as it was assumed that this would be a working, continuing relationship between the Council and this Commission. The Commission might from time to time recommend additional legislation for adoption by the Council. Mayor Akin read the following letter from Dr. Barclay dated October 4th:

"In order to clear the decks for whatever action that the City Council may wish to take with respect to the relations of City government to the advancement of Human Relations in this community, the Board of Directors of the Austin Equal Citizenship Corporation suggests that the present contract between the City of Austin and the Austin Equal Citizenship Corporation be terminated. The Directors will not resolve the Corporation itself until they learn the wishes of the City Council in this respect. For your information we attach hereto a summary financial report which covers a period of operation of July 7, 1966 to September 30, 1967.

"Respectfully yours,
John Barclay, Chairman
Austin Equal Citizenship Corporation"

The Mayor said he discussed the possibility of the establishment of the new commission with Dr. Barclay, and he indicated he was entirely happy and willing and anxious to see continued progress in this area and if in the will of the Council this will best further such hopes that he will be happy and have no feeling other than to do what the corporation indicated they are willing to do here. He stated the Council and he certainly appreciated the very fine interim service that had been rendered by the Corporation as it has meant a great deal to Austin. He said the Council appreciated Dr. Barclay's and the corporation's attitude and his example which would serve well to give direction to the efforts of the commission in this result. He thanked the corporation for their fine leadership and for all they had done.

MR. BILL ERWIN, Commission Secretary of the Austin Baptist Association, spoke in his own behalf and not for the association. He commended the City Manager for the fine ordinance said he felt there was a lot of sentiment in favor of this move. He stated he certainly wanted to stand and be counted as being in favor of establishing the Human Relations Commission, and it ought to be a legitimate part of the City Government. COUNCILMAN LONG said this is policy to be set by the Council and was drawn at the request of the Council and the City Manager had assured them that he would be in favor of whatever policy they adopted. Mr. Erwin commended the City Council and stated he was in favor of the ordinance.

MR. RUFUS G. WHITE, appeared representing no particular group. He read a portion of a letter from Mr. Joe Witherspoon stating that Mr. Witherspoon had read the proposed ordinance concerning the creation of the new Austin Human Relations Commission and since he must be absent from the City on the day it was to be discussed he asked Mr. White to assert his position concerning the proposal. Mr. White said Mr. Witherspoon knew what he was talking about and knew what minority groups wanted and what they would respect. Mr. White listed two questions picked up in their fellowship guide at their last meeting night. One was what do negroes and latin americans feel are their major problems in

Austin and two, concerning human relations, what practice of annual do negroes and latin americans feel are unjust. He said he was very busy but there was nothing more important than trying to save this great nation from decay and save the peace in Austin. He spoke in behalf of the city committee of human rights of this program to preserve the peach in Austin. He stated this organization could not keep the peace forever and neither could the city police and he asked that the Council pass a law of just and equal attitude. He mentioned social and economic facilities, the building of human relations and actual justice, the riots in other parts of the country, the fear of the minority groups and the failure to pass a common law. He asked why Austin would wait for those things to come to them as we are no better than any other state. He said he was for peace and he intended to work for peace.

MR. VOLMA OVERTON, representing the local branch of the N.A.A.C.P. stated that this was their third attempt to get a commission of Human Relations and for the Council to face up to the problem that exists in Austin. He thought this was a good approach but it still has a lot to be desired, that there had been advisory groups before, there had been discussions, there had been study groups. He asked if the Commission were going to have a subpoena power or what kind of power were they going to have as there were many things that a commission needs. He said they urged the Council to adopt a Human Relations Commission with some power to carry out the functions. Also he mentioned a paid personnel to carry out the functions of the commission so as to make Austin a place where the negro knows he is a part of these people, he knows the things that he is short on and that the Commission is raring to do the job that they request and that Austin needs. He suggested that some power be put into such type of Commission. He urged that a Commission be accepted and adopted and one with penal power to do the job that is needed in Austin.

The Mayor said that the Council does not have any idea of beating around any bushes at this time and their concept is that upon the appointment of a Commission of 15 people that the Commission would accept the responsibility of drawing up or building the type of provisions that Mr. Overton and others would like to have in it, or the commission as a whole would like to have rather than for the Council to give them a ready made ordinance with all the powers, punitive or otherwise. The Mayor said this was the Council's concept and whether it was one that would appeal to the majority or not, that this is where they were and what they propose and this too can be a subject of discussion here. He said he was only trying to indicate the approach they had in mind as a Council, to setting up the ordinance with the expectation that it would be a developing ordinance with whatever powers the Commission wants to recommend and whatever the Council sees fit to accept.

MR. BOOKER T. MOORE appeared for a Human Relations Committee. He said a personal injustice had been done him through the city offices and the city employees. He reviewed his problem with the City regarding his house moving business--bills sent to him for routes he never used, for raising of wires and for being overcharged for police escorts and his being required to have 2 escorts when the other house movers only have one. He felt he had been discriminated against. The Mayor said to what ever extent he had been a victim of injustice he and the Council regretted very much and this would be a problem for the Human Relations Committee to study and to bring about justice wherever it might be in order. Councilman LaRue said they were entitled to get the other side of the story, that the House Moving Ordinance was heard in open hearing, all the house movers were there and there was no problem whatever. Councilman Long said she thought his problem was the implementation of the ordinance and the enforcement

of it and he was saying that it was over-enforced or new angles put into it that may or may not exist in the ordinance as far as he was concerned, and that he was being discriminated against. He said that was right. Councilman Long stated they would investigate this.

MRS. JOHN BARROW stated she was very happy to see this ordinance before the Council and that this matter was coming up again. She asked why the terms of the Commission were going to run concurrently with the terms of the City Council that appointed them. She asked if this meant that when this Council went out of office that the whole thing just collapses. Councilman Long said this just gave a new Council the opportunity to reappoint. Mrs. Barrow did not think this was good and she suggested that the terms be staggered and the new City Council could fill in those terms which expire. Councilman Long said the terms could be staggered and she thought the Council would agree to this. Short discussion of other appointments was held.

MR. CHARLES HOWE, Minister of First Unitarian of Austin, stated he was designated by the Church's Board of Trustees to make a statement on behalf of their church. He said their church has been on record as favoring the establishment of an effective Human Relations Commission as an arm of the City government since May of 1963. They felt that the dignity of men and women is injured when their privileges and rights are denied because of racial, ethnic or religious discrimination and that the idea of brotherhood of man to man is actively opposed. He stated they as a church urged the establishment of a City Human Relations Commission with all powers necessary for its effective operation as a step toward the attainment of the religious goals to which they were committed. He said if such a commission is established they pledged it their whole support.

MR. ROTH said he thought the commission should have the power to subpoena witnesses and he thought the promotions in the departments should be recommended by this committee and not left to the Department Heads alone, as the Department Heads were not entirely impersonal in such things. Councilman Long said that would take a change of the Charter because under the Charter the City Manager has the authority to appoint all employees. Mr. Tinstman said that this Council had recently adopted a policy resolution expressing its attitude with respect to equal opportunities in both employment as well as assignment and promotion and it was certainly his intention that this be carried out fully.

MR. FRANK HORSFELD endorsed a Human Relations Committee as it had been needed for years. He made reference to the apathy of the negro and of salaries. He said the apathy was so great that the negro had given up hope and they had learned to hate and that something tangible was going to have to be done to make things better. He discussed the attitude of the churches and other people for the negro and something should be done on the local level by the people themselves. He felt all people should be treated alike and there should be new attitudes in employing negroes and latin americans, that City Hall needed new faces. He said the most important question was what kind of people will be on the commission, and he urged that there be some people with human goodness that love people and want to do something for their fellow man. He said he certainly hoped they were going to get a Human Relations Commission in Austin.

MR. WILLARD CONNELLY, represented the Austin Association of Home Builders. He made the following statement: "A committee does exist in the Austin Association of Home Builders whose function is to meet with any group or committee to discuss any problem pertaining to the housing industry in Austin."

MR. ROGER HANKS stated in line with what Mr. Connelly had just said he would also like to certify that the Austin Board of Realtors appointed a committee with Mr. Joe Perrone as Chairman and as members, M. J. Anderson, Bob Bailey, Joe Farmer, Tom Graham and Buford Stewart, and they would certainly be glad to work with any groups, any officials regarding this situation and help the City Council any way they could.

COUNCILMAN LONG said she thought this was a very significant move on the part of the Real Estate Board and the Home Builders. She stated she had asked the City Manager to have drawn a resolution of policy for the Council to discuss and possibly adopt. She asked for some discussion on this particular topic as well as the Human Relations Commission as she thought they were interrelated. She read a resolution stating the policy of the City Council concerning the need for open housing within the community and encouraging various groups and organizations to express their agreement with the action. She stated she believed this type of statement if adopted by the Council would be very helpful in promoting and proving to the citizens of Austin that they were trying to treat all citizens alike and will in turn go along with an appointment of a commission who can take these problems up and study them and work them out. She said she would like to see the Council pass this resolution along with the ordinance.

MR. OVERTON stated the N.A.A.C.P. had presented the Council with an ordinance. He said he recognized the resolution was a step in the right direction because the Council had never made it before and the statements by the realtors were good but this doesn't get the job done, that there had to be some action, but the realtors are the people that present the problems to the negro every day. He said they had problems and you pass these resolutions but they are not doing anything to help alleviate the problems. He said pass the resolution but also pass an ordinance that says that you cannot discriminate against a person. Councilman Long's position was that this was a step in the right direction and he would find that it would work better than to try to force something down people's throats. Mr. Overton asked that the Council pass a "Fair Housing Ordinance". Councilman Janes asked Mr. Overton if the City had in fact, open housing, would he then still insist on a penal ordinance, as the ordinance Mr. Overton submitted did have a penal clause. Mr. Overton said they did want an ordinance passed with a penal clause. The Mayor stated this was an appeal in the voluntary processes to try to bring about open housing and it does not preclude the possibility of the type of ordinance that he was talking about. Mr. Overton said the Council should take hold of the problem and pass an ordinance. Councilman Janes said he certainly, at this point, did not feel that they had taken a step toward a penal ordinance. The Mayor said that in adopting the resolution they were not assuming that an ordinance would not follow at some future time. Councilman Janes said by the same token they were not assuming that it would follow. The Mayor said they were taking the first step in the right direction and an appeal to voluntary processes on the part of the citizenry and organizations who have already pledged their support.

COUNCILMAN LONG asked Mr. Hanks if this type of resolution on open housing would help the realtors and what he thought of this type of approach. He said this is the only way that it could work and he hoped they could all work together and that on a voluntary basis with interested citizens working together they could solve the problems and he stated they would do what they could to solve the problems. Councilman LaRue stated his position as follows: "I was certainly for it at that time either the ordinance approach or the corporation that we have been using for the past year, either one of them I have stated many times

were acceptable to me. On several occasions I also said that I was very much opposed to a penal ordinance with the power to subpoena. I think the record that has been established by the present corporation that we now have indicates very thoroughly and clearly that we do not need additional authority to accomplish what we have set out to accomplish. This is pointed out by present members on this present commission, they stated here in their last report to the Council that they could not have accomplished more had they had additional authority. So again in case there is a question in the minds of some individuals, I would, certainly would be opposed to a penal ordinance."

On Mrs. Barrow's inquiry it was stated there were approximately 20 cases handled by the present committee and they were handled satisfactorily.

MR. BOB LUSK stated he was not in favor of a penal ordinance but he asked that a provision be made in the ordinance for a report every six months. Councilman Long stated they would report more often than that.

REVEREND HOWE said he was under the impression that the Austin Equal Citizenship Corporation was not satisfactory because it had no power and it was hopeful that the new commission would have some power that would be effective.

MR. WHITE said no law would be effective unless they got the cooperation of the minority groups and the Corporation had no respect from the minority groups and if there is no law behind the real estate men for discriminating he will always do it, but if they take his license away from him and show him that is the wrong thing to do then he will stop it. He said the minority group must be pleased.

The Mayor said he would repeat that the Council is not proposing to make this the first and last document, it is contemplated that if the Commission warrants they may make the recommendation to the Council for additional legislative powers and on this basis they hoped that it would become an increasingly effective document as the need is indicated.

Councilman Long, in answer to Mr. White, said she did not think that it was because of the people on the Corporation but it was the manner in which it was set up because it was not an arm of the city government but was a private corporation formed by a group of people that was appointed by the Council. She stated the Council was trying to start over, trying to build confidence and prestige and they would get on a sound basis and much good would come from this after they revamp it.

TOM WHITCOMB, Pastor of the Trinity United Church, stated he thought the Commission needed the subpoena power to begin with and if they did not have it they would not do much good at all. Mr. Joe Perrone stated he thought progress had been made on a voluntary basis, and they had only one real complaint in 8 years. Dr. Whitcomb stated some of the advertisements of some of the builders had been faulty and incorrect.

Councilman Long asked why they did not have more than three negroes represented here this afternoon if this were such a pressing problem with the negroes. She asked why they could not get some of the minority groups to come out and work with them on this. Mr. White said they were fearful and they won't come out and speak, but they were quick to act when they get to the end of the rope

and they feel that they have no friends. Mr. Overton said these people were working and they were not able to be here and be heard. He said the Council did not represent them, that they represented the power structure of the City and unless this Human Relations Commission changes the image that you represent all of the people you will always have this. Councilman Nichols asked Mr. Overton if the N.A.A.C.P. would give this Commission a chance to change the picture. Councilman Long said it disturbed her that only three came out, one to represent Mr. Witherspoon, not the negro people but Mr. Witherspoon; Mr. Overton, which certainly represents the N.A.A.C.P.; and Mr. Moore representing himself because he has had problems with the City. Mr. Moore said when the chips were down and the necessity to be here comes then they would be here. A latin american man stated there was fear that they would be fired, they were afraid.

MRS. H. G. TATE stated she was convinced that the make of this Commission will determine its effectiveness and should be made up of truly interested and dedicated people. She did not think a penalty was needed but she thought the minority groups should be brought into the mainstream of the community.

The Mayor stated he hoped the citizens of Austin would not prejudge the intentions of the Council in setting up this Commission; that they hoped to have a dynamic, fair type of Commission and they were meeting here in good faith but they did need a little time.

It was asked that the Commission select their own leader. Short discussion was held.

Discussion of a penal ordinance for integrating the restaurants was held.

MR. MARTIN MAYFIELD stated he felt they should deal with discrimination like they deal with speeding. He asked why it was not a crime to discriminate as he felt it was a crime and the people who do discriminate should be punished.

Councilman LaRue said in his opinion the reason the minority groups were not here today was they had seen the progress that had been made in the City of Austin in the last three or four years. He said they were faced previously with a terrific problem and the cry of the day was that an individual could not buy a cup of coffee in a particular cafeteria and they worked diligently, day after day and month after month until this was accomplished and he thought they were willing to give the City Council the opportunity and chance to prove again that they can do and accomplish what they did then and he hoped again without a penal ordinance.

MAYOR AKIN said he was not in agreement with all members of the Council that they had achieved the millennium or that they had done as well as they might do. He thought there was room left for progress in this area. He said if and as remedies are required, when and if the voluntary processes are found wanting and ineffectual at that point, he for one would hope that the commission would recommend legislation for inclusion which would give you that. He thought a great deal had been accomplished but he thought a great deal more is yet to be done. Councilman Long agreed. Councilman Janes agreed with Councilman Long's earlier statement that the people of the City of Austin would come a lot farther by cooperation than they will when you try to push something down their throats.

COUNCILMAN LONG stated she would like to see the staggered terms worked out.

COUNCILMAN JANES suggested that Mr. Overton talk with Mr. Perrone, Chairman of the Real Estate Committee and Mr. Overton said they were the problem. Councilman Janes asked if they were not going to give them a chance to function. Mr. Overton asked if they were part of the committee and it was stated by Councilman Janes that they were not but that was what they were talking about, a cooperative community effort. Councilman Long said they thought Mr. Overton might get with the Real Estate Committee and tell them some of their areas where they had not been able to get fair treatment, because there are committees that are working on these things.

Mayor Palmer introduced the following ordinance with an amendment that the Council make the terms of the commission one and two year terms and they draw for positions:

AN ORDINANCE AMENDING THE AUSTIN CITY CODE OF 1954 BY THE ADDITION OF CHAPTER 14A ESTABLISHING THE CITY OF AUSTIN HUMAN RELATIONS COMMISSION; PRESCRIBING ITS DUTIES AND TERM OF OFFICE; AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman Long moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman Janes, carried by the following vote:

Ayes: Mayor Akin, Councilmen Janes, LaRue, Long, Nichols
Noes: None

The ordinance was read the second time and Councilman Long moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman Janes, carried by the following vote:

Ayes: Mayor Akin, Councilmen Janes, LaRue, Long, Nichols
Noes: None

The ordinance was read the third time and Councilman Long moved that the ordinance be finally passed. The motion, seconded by Councilman Janes, carried by the following vote:

Ayes: Mayor Akin, Councilmen Janes, LaRue, Long, Nichols
Noes: None

The Mayor announced that the ordinance had been finally passed.

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

A RESOLUTION STATING THE POLICY OF THE CITY COUNCIL CONCERNING THE NEED FOR OPEN HOUSING WITHIN THE COMMUNITY AND ENCOURAGING VARIOUS GROUPS AND ORGANIZATIONS TO EXPRESS THEIR AGREEMENT WITH THIS ACTION.

WHEREAS, it is the purpose and desire of this City Council to promote mutual appreciation of the privileges and responsibilities of citizenship among all racial, religious, ethnic and nationality groups, and

WHEREAS, actions which deprive the community of the benefits of free commerce and full utilization of all human resources from all racial, religious, ethnic and nationality groups are believed to be detriments to our community, and

WHEREAS, the opportunity to acquire a domicile or establish residence within the community by all citizens irrespective of their race, religion or ethnic background is believed to be in the best interests of our community and its citizens, and

WHEREAS, this City Council believes that the responsibility of assuring the freedom of decision as to where to reside in our community for all citizens also rests with each citizen and all agencies and organizations involved, and

WHEREAS, the national and state governments through their respective officials have previously declared and established similar policies,

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Austin, Texas, supports and encourages equal opportunity for housing within the community to all citizens irrespective of their race, religion, ethnic background or nationality.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that all agencies, community groups, and citizens including but not limited to the Austin Home Builders Association, the Austin Chamber of Commerce, the Austin Board of Realtors, the Austin Housing Authority, the Austin Rental Agency Association, the University of Texas, the Federal Housing Administration, the Command of the Bergstrom Air Force Base, the Travis County Bar Association, the Junior Chamber of Commerce, the Downtown Austin Unlimited Association, the Community Council of Austin and Travis County, the Austin AFL-CIO Council, the Contractors, the District Judges, all Financial Institutions within the community, the Council of Churches, the Restaurant Association, the Austin Hotel-Motel Association are all encouraged to re-affirm and adopt, promulgate, and implement similar statements of policy providing for equal housing opportunities for all citizens within the community.

The motion, seconded by Councilman Janes, carried by the following vote:
Ayes: Councilmen Janes, LaRue, Long, Nichols, Mayor Akin
Noes: None

SUBSTANDARD HOUSES

Councilman Janes moved that the Council accept the recommendation of the Building Standards Commission on substandard houses as follows:

Mr. W. T. Baker
1300 Haskell

- That the structure located on this lot be declared a public nuisance by the City Council; that the City Council refer this unit to the Legal Department ; that the Legal Department cite the owner of record by publication and seek whatever legal jurisdiction necessary to demolish this structure and clean the premises; that upon a termination of the legal proceedings in favor of the City of Austin,

The Council had before it for approval the purchase of the following property by Time Warrants:

- (1) West 29th Street - McAdams property
- (2) Riverside Drive and Arena (Humble Tract previously approved by the Council)

After discussion, Councilman Long moved to purchase the West 29th Street property of Mr. McAdams, accepting his offer of \$42,500 and accepting his offer of initial payment of \$2,500 down and carrying the rest until July 1, 1968 for 3 1/4% interest on the unpaid balance. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilman Nichols, Mayor Akin, Councilmen Janes, LaRue, Long
Noes: None

Councilman Janes asked if her motion included the \$2,500 as time warrants and she said "no".

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MINUTES RELATING TO RIGHT-OF-WAY CLAIM

THE STATE OF TEXAS ()
COUNTY OF TRAVIS ()
CITY OF AUSTIN ()

ON THIS, the 5th day of October, 1967, the City Council of the City of Austin, Texas, convened in Regular Session at the regular meeting place thereof in the City Hall with the following members present:

HARRY AKIN		MAYOR
TRAVIS LaRUE)	
MRS. EMMA LONG)	
RALPH JANES, JR.)	COUNCILMEN
DICK NICHOLS)	

and with the following absent: _____, constituting a quorum; at which time the following among other business was transacted:

The City Manager presented to the City Council for approval a claim approved by the City Manager, City Attorney and Director of Finance payable to Humble Oil and Refining Company the amount of \$26,375.00 for the acquisition of right-of-way for City streets, as authorized by Ordinance No. 670504-B, adopted by the City Council on May 4, 1967.

Mr. LaRue moved that the claim be approved. The motion was seconded by Mr. Janes and upon the vote being called for, the motion was adopted by the following vote:

the failure of the defendant to abate the nuisance, the forces of the City of Austin, with permission of the court, be empowered to demolish the structure, and affix the costs thus incurred as a valid and enforceable lien against the property upon which the above mentioned structure is located.

Southwestern Educators
Investment Corporation
7309 Bethune Avenue

- That the structure located on this lot be declared a public nuisance by the City Council; that the City Council refer this unit to the Legal Department; that the Legal Department cite the owners of record by publication and seek whatever legal jurisdiction necessary to repair or demolish the structure; that upon a termination of the legal proceedings in favor of the City of Austin, the failure of the defendant to abate the nuisance, the forces of the City of Austin, with permission of the court, be empowered to demolish the structure, and affix the costs thus incurred as a valid and enforceable lien against the property upon which the above mentioned structure is located.

The motion, seconded by Councilman LaRue, carried by the following vote:
Ayes: Councilmen LaRue, Long, Nichols, Mayor Akin, Councilman Janes
Noes: None

The Council discussed the substandard house at 6908 Providence, owned by MRS. LEORA CLARK. It was brought out that this was a substantial house and could be repaired, that they had been unable to contact the owner; the taxes had been paid except for the year 1966; there had been no complaints but it was vacant and they tried to get the houses that were substandard when they were vacant. The Council discussed the feasibility of getting a court order and repairing the house. The City Manager suggested that this be continued for one week and let them look into it a little more. No action was taken.

LAND PURCHASES

The City Council had before it the purchase of 5.58 acres of land for Mo Pac Boulevard right of way and Town Lake Development. After discussion, Councilman Long moved that the Council accept the recommendation of the City Manager and authorize the purchase of the Odell and Crow property for \$122,100. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen Long, Nichols, Mayor Akin, Councilmen Janes, LaRue
Noes: None

(H. B. Odell and Drothy Crow - 3 tracts of land out of the George W. Spear League - 311-313-315-401 & 401 1/2 Atlanta Street)

AYES: Mayor Akin, Councilmen LaRue, Janes, Nichols,

NOES: Councilman Long

The Mayor directed the City Clerk to execute the certificate appearing on the claim stating that the claim had been approved by the Council and directed the City Manager, City Attorney and Director of Finance to deliver the claim upon the receipt of a deed to the property.

MINUTES APPROVED, this the _____ day of _____, 1967.

Harry Akin

Mayor, City of Austin, Texas

ATTEST:

Grace Monroe

City Clerk, City of Austin, Texas

(Property located at Riverside Drive and Arena. \$26,375 would include the interest from the 12th of December, 1966 to the 12th of November, 1967. To be purchased with Time Warrants. Councilman Long voted "no" stating the reason was because it was time warrants.)

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Councilman Nichols moved that the property at 1301 Winsted Lane be purchased for \$18,000 from funds available, which are bond funds. The motion, seconded by Councilman Janes, carried by the following vote:

Ayes: Councilmen Janes, LaRue, Long, Nichols, Mayor Akin
Noes: None

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After discussion, Councilman Nichols moved to purchase from bond funds the property at 1306 Newfield Lane for \$21,050. The motion, seconded by Councilman Janes, carried by the following vote:

Ayes: Councilmen LaRue, Long, Nichols, Mayor Akin, Councilman Janes
Noes: None

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Councilman LaRue moved that the City Manager be authorized to purchase the property at 2004 West 9th Street for \$21,450. The motion, seconded by Councilman Nichols, carried by the following vote:

Ayes: Councilmen Long, Nichols, Mayor Akin, Councilmen Janes, LaRue
Noes: None

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October 5, 1967

Councilman Long asked that the amount the property is on the tax roll for be included in the information sent to the Council regarding the purchase of property.

Councilman Long asked if the ordinance requiring citizens to connect to the sewer if they are 100' from the line also requires them to connect washing machines. This was to be checked.

Councilman Long stated Mr. Gene Nauman had contacted her about selling his water system on the west side of the lake to the City and she referred him to Mr. Schmidt to see if there were a need or if the City would be interested. He said he would appreciate an answer as he intended to try to put it into a water district if the city is not interested. She asked for a report on this. Mr. Victor Schmidt, Director of Water and Sewer, said this would be a border line investment; and there is a tremendous amount of property over there that could be served by this were it in the city limits. He said the City Manager had called a meeting tomorrow afternoon to discuss this property. Mr. Schmidt stated he thought they would have a recommendation in the next week or two. Councilman Long suggested that the City Manager write Mr. Nauman a letter and tell him that the City has certain things under consideration, annexation policy, etc., and these will have to be cleared before the City can give him an answer.

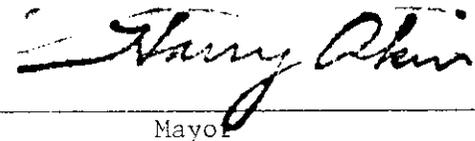
Councilman Janes asked Mr. Rountree the status of the St. Johns drainage situation. Mr. Rountree said they were waiting to get permission from the property owners to clean out Buttermilk Creek.

There being no further business Councilman Janes moved that the Council adjourn. The motion, seconded by Councilman Nichols, carried by the following vote:

Ayes: Councilmen Janes, LaRue, Long, Nichols, Mayor Akin
Noes: None

The Council adjourned at 5:05 P.M.

APPROVED



Mayor

ATTEST:



Assistant City Clerk